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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/085,610  | 02/26/2002  | Vaughn L. Mower      | 907A.0119.U1(US)    | 7076             |
| 29683   | 7590        | 12/14/2004           | EXAMINER            |                  |
| HARRINGTON & SMITH, LLP<br>4 RESEARCH DRIVE<br>SHELTON, CT 06484-6212 |             |                      | TSE, YOUNG TOI      |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2637                |                  |

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/085,610

Applicant(s)

MOWER ET AL.

Examiner

YOUNG T. TSE

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because the block elements 21 and 25 shown in Figure 2A should be labeled "PN Master Clock" and "Modulo-2 Combiner" as mentioned on page 10, line 16 and line 18, respectively. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the

description: the reference sign "14c" is not shown in Figure 1 as mentioned on page 9, line 22 and the reference sign "3B8" is not shown in Figure 3 as mentioned on page 12, line 28. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: the reference signs shown in Figure 3B are not mentioned in the specification. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the

applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

4. The disclosure is objected to because of the following informalities: on page 10, lines 8 and 19, "10" and "transmitter 27, and antenna" should be "12" and "a transmitter 27, and an antenna 28", respectively; on page 11 (line 30), page 12 (line 12", and page 13 (line 23), "3" should be "3A"; on page 13, line 26, "3" should be "3c"; and on page 14, line 6, "42" should be "44". Appropriate correction is required.

### ***Claim Objections***

5. Claims 1-20 are objected to because of the following informalities:

In claim 1, lines 9 and 12, "clock, and" and "signal" should be "clock and" and "signal through the epoch output", respectively.

In claim 2, lines 2 and 6, "an" and "generate" should be "the" and "generates", respectively.

In claim 2 (line 3), claim 3 (line 2), claim 4 (line 2), claim 5 (line 2), claim 6 (line 3), and claim 7 (line 2), the word "further" should be deleted.

In claim 4, line 5, "," should be "; and".

In claim 5, line 3, "divisor" should be "divisor Nc".

In claim 6, lines 2-3, "a predetermined relationship" should be "the predetermined step relationship".

In claim 8 (line 8), claim 14 (line 7), and claim 20 (line 9), "k" should be "n".

In claim 8, line 13, "port" should be "port;"; line 14, "divisor" should be "a divisor", and line 20, "divisor" should be "the divisor". Also see claims 14 and 20.

In claim 18, line 11, "a data clock" should be "the data clock".

In claim 20, line 54, "second divisor" should be "the second divisor".

Wherein the dependent claims 9-13, 15-17 and 19 are depended upon claims 8, 14, and 18.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 14-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification fails to explain the operation of the integrated circuit of Figure 3B in order to enable a person skill in the art to understand the invention as recited in claims 14-17. Further, the specification does not mention that a program storage device readable by a machine, tangibly embodying a program of instructions executable by the

machine to perform the method of claim 18 and the program of instructions comprise at least one VHSIC hardware Description VHDL language file of claim 19.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the preamble recites a method for generating a data clock having edge coincidence with an aggregate PN code. However, the body of claim 1 does not include the data clock and the aggregate PN code. Also see claims 8 and 18.

In claim 3, line 6, the phrase "k is predetermined" is not understood. Also see claims 8, 14, and 20.

In claim 5, lines 3-4, the phrase "a predetermined step relationship" is not understood.

In claim 6, lines 4-5, the phrase "a log-linear step relationship" is not understood.

Claim 11 recites the system further comprising a PN code combiner, however, the combiner lacks cooperation or connection with the claimed subject matter of claims 8 and 10.

In lines 3-4 of both claims 12 and 13, the phrase "the PN composite code" lacks antecedent basis.

In claim 19, line 4, "(VHDL)" is undefined.

Wherein claims 2, 4, 7, 9-10, and 14-17 are depended upon claims 1, 8 and 14.

***Allowable Subject Matter***

10. Claims 1-13 and 20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

11. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to show or suggest that a data clock generator circuit comprising a data clock generator for generating a desired data clock signal based on a PN master clock, a PN master clock divisor, and an epoch output generated from a PN code generator to provide a reset of a binary divider of the data clock generator.

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Terada discloses a lock selection circuit for generating a recovery clock of a selected first master clock and a selected second master clock based on two control signals controlled by an optimum clock distribution circuit.

Grau, Jr. et al. discloses a spread spectrum transmitter and a spread spectrum receiver including a common master clock generator for generating a divided master clock signal to a Baker code generator to generate code signals to a data and clock extractor circuit to extract data and clock signals to the spread spectrum transmitter and receiver.

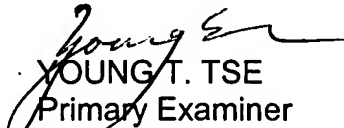


Lennen discloses a master oscillator to generate master oscillation signals to a frequency synthesizer comprising a code generator for generating a local code to a code mixer and C/A epoch signals to correlators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOUNG T. TSE whose telephone number is (571) 272-3051. The examiner can normally be reached on Monday and Wednesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
YOUNG T. TSE  
Primary Examiner  
Art Unit 2637